

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-30030-MAP
)	
)	
MICHAEL CECCHETELLI,)	
and)	
CHARLES HOWARD,)	
Defendants.)	

THE GOVERNMENT'S AND THE DEFENDANTS' STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, Attorney Linda Thompson, counsel for Michael Cecchetelli, and Attorney Mark Albano, counsel for Charles Howard hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written orders.

1. The Government has provided or made available all of its discoverable information.

2. Attorney Albano is satisfied with the Government's discovery response. Defendant Cecchetelli filed a Motion for Exculpatory Evidence (Dkt. # 39) to which the government responded to on November 29, 2005 (Dkt. #43).

3. It is unclear whether the parties intend to raise a defense of insanity or public authority.

4. The government has requested notice of alibi by the defendants and there has been no response by the Defendant.

5. The Defendant has not yet filed but may file, a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. The parties request this Court to set a date for a further status. Attorney Thompson has experienced technical difficulties in accessing the DVD recording provided by the government, and we are in the process of determining whether the DVD is defective, or Attorney Thompson's computer system is incapable of playing the DVD. Attorney Thompson needs time to review the discovery with Defendant Cecchetelli. The Government and Attorney Albano also request this court exclude the delay from August 2, 2005 through the next hearing date (to be scheduled on October 7, 2005) from the Speedy Trial Act in the interests of justice pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1),(2), and (3).

7. Attorney Albano and I have conducted preliminary plea discussions. Presently, Defendant Howard appears inclined to enter into a plea agreement with the government. Although the parties have discussed resolving Defendant Cecchetelli's case short of a trial, it is premature to notify the Court as to whether either Defendant Cecchetelli will decide to change their plea.

8. In the event that a trial is necessary the trial will last approximately 5 days.

9. With respect to Defendant Howard, a date convenient with the Court should be established for a pretrial conference. Defendant Cecchetelli would prefer to resolve the disputed discovery issues before proceeding to a pretrial conference.

Filed this 30th day of November, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

Attorney Linda Thompson
Counsel for Michael
Cecchetelli

Attorney Mark Albano
Counsel for Charles Howard

